

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEBRASKA

UNITED STATES OF AMERICA,

Plaintiffs,

vs.

ROBERTO GUTIERREZ CISNERO,

Defendant.

**8:9CR198**

**ORDER**

Defendant, proceeding *pro se*, has filed a document requesting free copies of documents regarding his criminal case. ([Filing No. 142](#).) He has also requested transcripts of his plea and sentencing hearings. Defendant contends that he needs these documents to prepare a petition for writ of habeas corpus.

Defendant has not filed a motion to proceed in forma pauperis. However, litigants do not have the right to receive copies of documents without payment, even if they are indigent. *See Lewis v. Precision Optics, Inc.*, 612 F.2d 1074, 1075 (8<sup>th</sup> Cir. 1980). Defendant is free to contact the Clerk's Office for the United States District Court to request copies. However, copies will not be provided without pre-payment.

Although an indigent defendant bringing a postconviction proceeding under 28 U.S.C. § 2255 may have a transcript prepared at the government's expense if the suit is not frivolous and the transcript is needed to decide the issue presented by the dispute, any request for a free transcript prior to the filing of a § 2255 motion is premature. *See Chapman v. United States*, 55 F.3d 390 (8<sup>th</sup> Cir. 1995); *United States v. Losing*, 601 F.2d 351, 352 (8<sup>th</sup> Cir. 1979). To date, Defendant has not filed a § 2255 motion.

Accordingly,

**IT IS ORDERED** that Defendant's request for free copies ([Filing No. 142](#)) is denied. The Clerk of Court is directed to notify Defendant of the cost of copies per page and to send him a request for transcript form.

Dated this 4th day of October, 2018.

BY THE COURT:

s/ Susan M. Bazis  
United States Magistrate Judge